

1 Introduced and amended by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2021-697-E**

5 AN ORDINANCE REZONING APPROXIMATELY 6.01± ACRES,
6 LOCATED IN COUNCIL DISTRICT 2 AT 0 DUNN CREEK
7 ROAD, BETWEEN DUNN CREEK ROAD AND PULASKI ROAD
8 (R.E. NO. 110629-0200), AS DESCRIBED HEREIN,
9 OWNED BY ARWOOD-DUNN CREEK MANAGEMENT, LLC, FROM
10 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT (2018-
11 667-E AND 2009-286-E) TO PLANNED UNIT
12 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
13 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
14 INDUSTRIAL AND COMMERCIAL USES, AS DESCRIBED IN
15 THE FAYE ROAD INDUSTRIAL II PUD; PUD SUBJECT TO
16 CONDITIONS; PROVIDING A DISCLAIMER THAT THE
17 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
18 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
19 PROVIDING AN EFFECTIVE DATE.
20

21 **WHEREAS**, Arwood-Dunn Creek Management, LLC, the owner of
22 approximately 6.01± acres, located in Council District 2 at 0 Dunn
23 Creek Road, between Dunn Creek Road and Pulaski Road (R.E. No. 110629-
24 0200), as more particularly described in **Exhibit 1**, dated April 15,
25 2021, and graphically depicted in **Exhibit 2**, both of which are
26 **attached hereto** (the "Subject Property"), has applied for a rezoning
27 and reclassification of that property from Planned Unit Development
28 (PUD) District (2018-667-E and 2009-286-E) to Planned Unit
29 Development (PUD) District, as described in Section 1 below; and

30 **WHEREAS**, the Planning Commission has considered the application
31 and has rendered an advisory opinion; and

1 **WHEREAS**, the Land Use and Zoning Committee, after due notice and
2 public hearing, has made its recommendation to the Council; and

3 **WHEREAS**, the Council finds that such rezoning is: (1) consistent
4 with the *2030 Comprehensive Plan*; (2) furthers the goals, objectives
5 and policies of the *2030 Comprehensive Plan*; and (3) is not in
6 conflict with any portion of the City's land use regulations; and

7 **WHEREAS**, the Council finds the proposed rezoning does not
8 adversely affect the orderly development of the City as embodied in
9 the Zoning Code; will not adversely affect the health and safety of
10 residents in the area; will not be detrimental to the natural
11 environment or to the use or development of the adjacent properties
12 in the general neighborhood; and will accomplish the objectives and
13 meet the standards of Section 656.340 (Planned Unit Development) of
14 the Zoning Code; now, therefore

15 **BE IT ORDAINED** by the Council of the City of Jacksonville:

16 **Section 1. Property Rezoned.** The Subject Property is
17 hereby rezoned and reclassified from Planned Unit Development (PUD)
18 District (2018-667-E and 2009-286-E) to Planned Unit Development
19 (PUD) District. This new PUD district shall generally permit
20 industrial and commercial uses, and is described, shown and subject
21 to the following documents, **attached hereto**:

22 **Exhibit 1** - Legal Description dated April 15, 2021.

23 **Exhibit 2** - Subject Property per P&DD.

24 **Exhibit 3** - Written Description dated August 10, 2021.

25 **Exhibit 4** - Site Plan dated March 29, 2021.

26 **Section 2. Rezoning Approved Subject to Conditions.** This
27 rezoning is approved subject to the following conditions. Such
28 conditions control over the Written Description and the Site Plan and
29 may only be amended through a rezoning.

1 (1) A noise suppression wall will be constructed along the
2 south and east sides of the shredder, shown on a site plan subject
3 to the review and approval of the Planning and Development Department.

4 (2) There shall be a thirty (30) foot wide undisturbed buffer
5 along the southern property line meeting the requirements of Section
6 656.1216, *Ordinance Code*.

7 (3) Construction and demolition recycling facilities shall be
8 prohibited except for roof shingles and similar products.

9 (4) Recycling facilities and yards, recycling collections
10 points, shall be subject to the performance standards and development
11 criteria set forth in Chapter 656, Part 4, *Ordinance Code*.

12 **Section 3. Owner and Description.** The Subject Property
13 is owned by Arwood-Dunn Creek Management, LLC, and is legally
14 described in **Exhibit 1, attached hereto**. The applicant is Paul M.
15 Harden, Esq., 1431 Riverplace Boulevard, Suite 901, Jacksonville,
16 Florida 32207; (904) 396-5731.

17 **Section 4. Disclaimer.** The rezoning granted herein
18 shall not be construed as an exemption from any other applicable
19 local, state, or federal laws, regulations, requirements, permits or
20 approvals. All other applicable local, state or federal permits or
21 approvals shall be obtained before commencement of the development
22 or use and issuance of this rezoning is based upon acknowledgement,
23 representation and confirmation made by the applicant(s), owner(s),
24 developer(s) and/or any authorized agent(s) or designee(s) that the
25 subject business, development and/or use will be operated in strict
26 compliance with all laws. Issuance of this rezoning does not approve,
27 promote or condone any practice or act that is prohibited or
28 restricted by any federal, state or local laws.

29 **Section 5. Effective Date.** The enactment of this Ordinance
30 shall be deemed to constitute a quasi-judicial action of the City
31 Council and shall become effective upon signature by the Council

1 President and the Council Secretary.

2

3 Form Approved:

4

5 /s/ Mary E. Staffopoulos

6 Office of General Counsel

7 Legislation Prepared By: Bruce Lewis

8 GC-#1465626-v1-021-697-E.docx